

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

NATHAN KINSEY,)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	
PORTFOLIO RECOVERY ASSOCIATES,)	
LLC,)	
)	
Defendant.)	
_____)	

COMPLAINT AND DEMAND FOR JURY TRIAL

NATHAN KINSEY (Plaintiff), by his attorneys, KROHN & MOSS, LTD., alleges the following against PORTFOLIO RECOVERY ASSOCIATES, LLC. (Defendant):

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy," and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.
3. Because Defendant does business in the state of Missouri, personal jurisdiction is established.
4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

PARTIES

5. Plaintiff is a natural person who resides in Urich, Henry County, Missouri.
6. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
7. Defendant is a limited liability company located in Norfolk, Virginia.
8. Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.
9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.
10. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

11. Beginning in October of 2010, Defendant constantly and continuously placed collection calls to Plaintiff seeking and demanding payment for an alleged debt.
12. Defendant contacted Plaintiff from 702-410-7069, 626-209-2241, and 678-265-1568.
13. Defendant contacted Plaintiff at his home number.
14. Defendant called Plaintiff 3-4 times per day, every day.
15. Defendant calls Plaintiff and hangs up before the Plaintiff or voicemail is answered.

COUNT I **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

16. Defendant violated the FDCPA based on the following:

VERIFIED COMPLAINT AND DEMAND FOR JURY TRIAL

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff;
- b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the number called;
- c. Defendant violated §1692d(6) of the FDCPA by placing telephone calls without meaningful disclosure of the caller's identity because Defendant calls Plaintiff and hangs up without leaving a voicemail message and;
- d. Defendant violated §1692e(2) of the FDCPA by falsely representing the character, amount or legal status of the alleged debt.

WHEREFORE, Plaintiff, NATHAN KINSEY, respectfully requests judgment be entered against Defendant, SIMM ASSOCIATES, INC., for the following:

17. Statutory damages pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*;
18. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*; and
19. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

By:/s/ Adam C. Maxwell

Adam C. Maxwell

Bar No: 62103

Attorney for Plaintiff

Krohn & Moss, Ltd.

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DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, NATHAN KINSEY, hereby demands trial by jury in this action.

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF MISSOURI)
COUNTY OF HENRY)

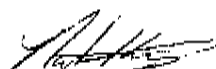
Plaintiff, NATHAN KINSEY, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, NATHAN KINSEY, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

3-26-11

Date



NATHAN KINSEY

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